

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire  
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Attorneys for Secured Creditor  
M&T BANK

In Re:  
Kathleen M. Butler, Kenneth M. Butler  
  
Debtors.



Order Filed on June 22, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 17-24718 JNP

Adv. No.:

Hearing Date: 6/22/2021 @ 11:00 a.m.

Judge: Jerrold N. Poslusny Jr.

**ORDER RESOLVING CERTIFICATION OF DEFAULT**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby  
**ORDERED.**

**DATED: June 22, 2021**

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

**(Page 2)**

Debtors: Kathleen M. Butler, Kenneth M. Butler

Case No: 17-24718 JNP

Caption of Order: ORDER RESOLVING CERTIFICATION OF DEFAULT

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This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, M&T Bank, Denise Carlon, Esq. appearing, upon a certification of default as to real property located at 248 Nabb Avenue, Millville, NJ, 08332, and it appearing that notice of said certification was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Brad J. Spiller, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of June 8, 2021, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due April 2020 through June 2021 excluding payments included in the forbearance for a total post-petition default of \$9,867.44 (3 @ \$1,269.76, 6 @ \$1,191.35; less \$1,089.94 suspense); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$9,867.44 shall be added to the affidavit of amount due and paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the debtor will file a modified plan within twenty days of the entry of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume July 1, 2021, directly to Secured Creditor M&T Bank, P.O. Box 1288, Buffalo, NY 14240-1288 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs up to the sum of \$350.00 in an amount to be included in a post-petition fee notice for attorneys' fees which is to be paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Certification of Default is hereby resolved

In re:  
Kenneth M. Butler  
Kathleen M. Butler  
Debtors

Case No. 17-24718-JNP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1  
Date Rcvd: Jun 22, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition   |
|--------|--|
| +      | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2021:

| Recip ID | Recipient Name and Address  |
|----------|---|
| db/jdb   | + Kenneth M. Butler, Kathleen M. Butler, 248 Nabb Ave, Millville, NJ 08332-4930 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2021 at the address(es) listed below:

| Name                 | Email Address   |
|----------------------|---|
| Andrew Thomas Archer | on behalf of Joint Debtor Kathleen M. Butler aarcher@spillerarcherlaw.com<br>bankruptcy@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com;R64966@notify.bestcase.com |
| Andrew Thomas Archer | on behalf of Debtor Kenneth M. Butler aarcher@spillerarcherlaw.com<br>bankruptcy@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com;R64966@notify.bestcase.com        |
| Brad J. Spiller      | on behalf of Debtor Kenneth M. Butler bankruptcy@brennerlawoffice.com<br>aarcher@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com                                   |
| Brad J. Spiller      | on behalf of Joint Debtor Kathleen M. Butler bankruptcy@brennerlawoffice.com<br>aarcher@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com                            |
| Denise E. Carlon     |   |

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Jun 22, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor M&amp;T Bank dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com

Denise E. Carlon

on behalf of Creditor M&amp;T BANK dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

Isabel C. Balboa

on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

John R. Morton, Jr.

on behalf of Creditor Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Services ecfmail@mortoncraig.com,  
mortoncraigecf@gmail.com

Rebecca Ann Solarz

on behalf of Creditor M&amp;T Bank rsolarz@kmlawgroup.com

Rebecca Ann Solarz

on behalf of Creditor M&amp;T BANK rsolarz@kmlawgroup.com

Robert P. Saltzman

on behalf of Creditor M&amp;T Bank dnj@pbslaw.org

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 13